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In re Application of  
Richard Chao  
Application No. 09/182,862  
Patent No. RE 37,545  
Filed: October 21, 1998  
Issue Date: February 12, 2002  
Attorney Docket No. CONT1013SRM/  
Title: AUXILIARY LENSES FOR  
EYEGLASSES

DECISION ON PETITION  
UNDER 37 C.F.R. §1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR §1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR §1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR §1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR §1.28 is hereby accepted. The petition is **GRANTED** accordingly.

This file is being forwarded to Files Repository.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

**Paul Shanowski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office